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EXAMINER	
LEROUX, ETIENNE PIERRE	

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/931,005	SCHEIFLER ET AL.	
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-88* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-88* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 August 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/29/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claims Status:

Claims 28-88 are pending. Claims 1-27 have been cancelled. Claims 28-88 are rejected as detailed below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 62-88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 62, 71, 75, 78, 80, 81 and 85 recite "transforming parameters into different types for subsequent transmission." The metes and bounds of the claim limitation cannot be determined because it is unclear what parameters are being transformed. Furthermore, the plurality of types which applicant is claiming is difficult to determine.

Claims 63-70, 72-74, 76, 77, 79, 82-84, 86-88 are rejected for being dependent from a rejected base claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 62-88 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the

specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 62, 71, 75, 78, 80, 81, and 85 recite "transforming parameters associated with the request into different types of parameters appropriate for subsequent transmission." The specification does not include a clear and concise description of the process of transforming parameters associated with the request such that a skilled technician can make and use the invention.

Claims 63-70, 72-74, 76, 77, 79, 82-84, 86-88 are rejected for being dependent from a rejected base claim.

Art Rejection Precluded.

Claims 62-88 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The above failure precludes art rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 28-33, 37-41, 43-51 and 53-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,915,112 issued to Boutcher (hereafter Boutcher) in view of US Pat No 5,978,773 issued to Hudetz et al (hereafter Hudetz).

Claims 28, 37, 44-46 and 55:

Boutcher discloses receiving a request from a client by the lookup service [network directory, col 10, line 16] for access to one of the network services [Fig 2B, server 20, col 6, lines 20-27], the client being remote with respect to the lookup service [col 10, lines 8-9, the client may dynamically load executable code to facilitate access of the one network service, Fig 2B, server stub 44, routine A 46, routine B 48, col 7, lines 13-33]. Boutcher discloses the essential elements of the invention as noted above but does not disclose returning a resource locator to the client from the lookup service. Hudetz discloses returning a resource locator to the client from the lookup service [Fig 4, 74]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boutcher to include returning a resource locator to the client from the lookup service as taught by Hudetz for the purpose of identifying a resource on the Internet and thus enabling the client to access the resource [col 2, lines 27-36]. The skilled artisan would have been motivated to improve the invention of Boutcher per the above such that the user does not have the problem of finding and entering a URL [col 2, lines 37-51].

Claim 29:

The combination of Boutcher and Hudetz discloses the elements of claim 28 as noted above and furthermore, using the returned resource locator to dynamically load executable code to facilitate access of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 30:

The combination of Boutcher and Hudetz discloses the elements of claim 29 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 31:

The combination of Boutcher and Hudetz discloses the elements of claim 28 as noted above and furthermore, returning the stub information to the client [Boutcher, response by server is unmarshalled, Fig 5 step 114, col 10, lines 62-67].

Claim 32:

The combination of Boutcher and Hudetz discloses the elements of claims 28 and 31 as noted above and furthermore, using the resource locator in the client to dynamically load executable code for the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 33:

The combination of Boutcher and Hudetz discloses the elements of claims 28, 31 and 32 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Hudetz, col 3, lines 28-35]

Claim 38:

The combination of Boutcher and Hudetz discloses the elements of claim 37 as noted above and furthermore, using the returned resource locator to dynamically load executable code to facilitate access of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 39:

The combination of Boutcher and Hudetz discloses the elements of claims 38 and 39 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 40:

The combination of Boutcher and Hudetz discloses the elements of claim 37 as noted above and furthermore, receiving stub information and using the resource locator in the client to dynamically load executable code for the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 41:

The combination of Boutcher and Hudetz discloses the elements of claims 37 and 40 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Hudetz, col 3, lines 28-35]

Claim 43:

The combination of Boutcher and Hudetz discloses the elements of claims 37 and 40 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Hudetz, col 3, lines 28-35]

Claim 47:

The combination of Boutcher and Hudetz discloses the elements of claim 46 as noted above and furthermore, using the returned resource locator to dynamically load executable code to facilitate access of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 48:

The combination of Boutcher and Hudetz discloses the elements of claims 47 and 48 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 49:

The combination of Boutcher and Hudetz discloses the elements of claim 46 as noted above and furthermore, returning the stub information to the client [Boutcher, response by server is unmarshalled, Fig 5 step 114, col 10, lines 62-67].

Claim 50:

The combination of Boutcher and Hudetz discloses the elements of claims 46 and 49 as noted above and furthermore, using the resource locator in the client to dynamically load executable code for the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 51:

The combination of Boutcher and Hudetz discloses the elements of claims 46, 49 and 50 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Hudetz, col 3, lines 28-35]

Claim 53:

The combination of Boutcher, Hudetz and Hart discloses the elements of claim 46 as noted above and furthermore, Boutcher discloses using the resource locator in the client to dynamically load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 54:

The combination of Boutcher and Hudetz discloses the elements of claims 46 and 53 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 56:

The combination of Boutcher and Hudetz discloses the elements of claim 55 as noted above and furthermore, using the returned resource locator to dynamically load executable code to facilitate access of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 57:

The combination of Boutcher and Hudetz discloses the elements of claims 55 and 56 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 58:

The combination of Boutcher and Hudetz discloses the elements of claim 55 as noted above and furthermore, using the resource locator in the client to dynamically load executable code for the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 59:

The combination of Boutcher and Hudetz discloses the elements of claim 55 and 58 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 60:

The combination of Boutcher and Hudetz discloses the elements of claim 55 as noted above and furthermore, Boutcher discloses using the resource locator in the client to dynamically load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 61:

The combination of Boutcher and Hudetz discloses the elements of claim 60 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claims 34-36, 42 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Boutcher and Hudetz and further in view of US Pat No 6,363,409 issued to Hart et al (hereafter Hart).

Claim 34:

The combination of Boutcher and Hudetz discloses the elements of claim 28 as noted above but does not disclose returning smart proxy information to the client. Hart discloses returning smart proxy information to the client [col 5, lines 9-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Boutcher and Hudetz to include

returning smart proxy information to the client as taught by Hart for the purpose of integrating separate 16-bit routines [col 5, lines 9-20]. The skilled artisan would have been motivated to modify the combination of Boutcher and Hudetz per the above such that the stubs are integrated into the application such as Windows-on-Windows [col 4, lines 43-50]. This integration ensures that the stubs become part of the overall program and changes made to the stubs are reflected in the overall application program.

Claim 35:

The combination of Boutcher, Hudetz and Hart discloses the elements of claims 28 and 34 as noted above and furthermore, Boutcher discloses using the resource locator in the client to dynamically load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 36:

The combination of Boutcher, Hudetz and Hart discloses the elements of claims 28, 34 and 35 as noted above and furthermore, Boutcher discloses accessing the network service by the client using the dynamically loaded executable code [results are returned to client, col 7, lines 14-19]

Claim 42:

The combination of Boutcher, Hudetz and Hart discloses the elements of claim 37 as noted above and furthermore, Boutcher discloses receiving the smart proxy information and using the resource locator in the client to dynamically load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 52:

The combination of Boutcher and Hudetz discloses the elements of claim 46 as noted above but does not disclose returning smart proxy information to the client. Hart discloses returning smart proxy information to the client [col 5, lines 9-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Boutcher and Hudetz to include returning smart proxy information to the client as taught by Hart for the purpose of integrating separate

16-bit routines [col 5, lines 9-20]. The skilled artisan would have been motivated to modify the combination of Boutcher and Hudetz per the above such that the stubs are integrated into the application such as Windows-on-Windows [col 4, lines 43-50]. This integration ensures that the stubs become part of the overall program and changes made to the stubs are reflected in the overall application program.

Response to Arguments

Applicant's arguments filed 6/20/2005 have been fully considered but they are not persuasive.

Applicant Argues:

Applicant states in the second paragraph of page 29 "Boutcher does not disclose or suggest dynamically loading executable code to facilitate access to a network service."

Examiner Responds:

Examiner is not persuaded. Examiner maintains that applicant does not clearly define "network service." Applicant merely mentions a single instance of "network service" per the below reproduced paragraph 38 of the specification of instant application:

[0038] FIG. 1 is a schematic diagram of a computer network 10 including an arrangement for facilitating dynamic loading of "stub" information to enable a program operating in one address space to remotely invoke processing of a method or procedure in another address space, where this method or procedure represents a network service.

Based on the above disclosure by applicant, it is safe to deduce that stub information enables processing of a method or procedure where this method or procedure represents a network service. Botcher discloses client stub information in Fig 2A, 34 which is paired with a server stub Fig 2B, 44]. The client stub downloads executable code from the server stub and this reads on above disclosure by applicant is a network service.

Applicant Argues:

Applicant states in the second paragraph on page 30 "Moreover, the examiner contradicts the position that Boucher discloses a client that may dynamically load executable code to facilitate access of a network service in admitting that the reference does not disclose 'returning a resource locator to the client from the lookup service.'"

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In above Office Action, Boucher discloses dynamically loading executable code and Hudetz discloses returning a URL

Applicant Argues:

Applicant states in the third paragraph of page 32 "In addition to the arguments set forth above, prima facie obviousness has not been established at least because there is no motivation to combine Hudetz et al and Butcher. Determinations of obviousness must be supported by evidence in the record."

Examiner Responds:

Examiner is not persuaded. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason for combination is the following which is taken from the above Office Action. In fact the reason for combination is taken from the disclosure of Hudetz.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Boutcher to include returning a resource locator to the client from the lookup service as taught by Hudetz for the purpose of identifying a resource on the Internet and thus enabling the client to access the resource [col 2, lines 27-36]. The skilled artisan would have been motivated to improve the invention of Boutcher per the above such that the user does not have the problem of finding and entering a URL [col 2, lines 37-51].

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00am and 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

7/22/2005

MOHAMMAD ALI
PRIMARY EXAMINER